

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

JENNIFER SONG and SCOTT
WERTKIN, on behalf of themselves and
all others similarly situated,

Plaintiffs,

CASE NO. 0:18-cv-03205-PJS-KMM

**DEFENDANTS' MOTION TO
DISMISS**

v.

CHAMPION PETFOODS USA INC. and
CHAMPION PETFOODS LP,

Defendants.

Defendants Champion Petfoods USA Inc. and Champion Petfoods LP (“Defendants”) hereby move to dismiss Plaintiffs’ Second Amended Complaint with prejudice, pursuant to Fed. R. Civ. P. 12(b)(1) and (6) and LR 7.1(c) of the Local Rules for the U.S. District Court for the District of Minnesota, on the grounds that the Second Amended Complaint fails to state a claim against Defendants upon which relief can be granted and that Plaintiffs lack standing.

Defendants’ motion is supported by the files, records, and proceedings in this case, including Defendants’ supporting Memorandum of Law, Affidavit of David A. Coulson and proposed Order.

Dated: June 1, 2020

GREENBERG TRAURIG, PA

/s/ David A. Coulson

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